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10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
12 OAKLAND DIVISION

13 STATE OF CALIFORNIA, *et al.*

Case No. 4:17-cv-5783-HSG

14 Plaintiffs,

15 v.  
16 XAVIER BECERRA, Secretary of Health and  
Human Services, *et al.*,

**STIPULATION OF VOLUNTARY  
DISMISSAL OF PLAINTIFF  
COMMONWEALTH OF VIRGINIA'S  
CLAIMS WITH PREJUDICE**

17 Defendants,

18 and,

19 THE LITTLE SISTERS OF THE POOR, ST.  
MARY'S HOME, *et al.*,

20 Defendant-Intervenors

21 .

1 Plaintiffs, Plaintiff-Intervenor State of Oregon,<sup>1</sup> Defendants, and Defendant-Intervenors, by  
 2 and through their undersigned counsel, respectfully submit this Stipulation of Voluntary Dismissal  
 3 of Plaintiff Commonwealth of Virginia's Claims with Prejudice, pursuant to Federal Rule of Civil  
 4 Procedure 41(a)(1)(A)(ii).

5 WHEREAS, Plaintiff State of California filed a Complaint, ECF No. 1, in this action on  
 6 October 6, 2017, challenging two Interim Final Rules issued by the U.S. Department of Health and  
 7 Human Services, in conjunction with the U.S. Department of Labor and U.S. Department of the  
 8 Treasury, that expanded the scope of the religious exemption, and created a new moral exemption,  
 9 to the contraceptive mandate of the Patient Protection and Affordable Care Act;

10 WHEREAS, the Commonwealth of Virginia, along with the State of Delaware, the State of  
 11 Maryland, and the State of New York, joined the State of California in a First Amended Complaint  
 12 against the Secretary of the U.S. Department of Health & Human Services, the U.S. Department of  
 13 Health and Human Services, the Secretary of the U.S. Department of Labor, the U.S. Department  
 14 of Labor, the Secretary of the U.S. Department of the Treasury, and the U.S. Department of the  
 15 Treasury (collectively, "Defendants"), filed on November 1, 2017, see ECF No. 24;

16 WHEREAS, the Little Sisters of the Poor, St. Mary's Home and the March for Life  
 17 Education and Defense Fund (collectively, "Defendant-Intervenors") were permitted by this Court  
 18 to intervene in the lawsuit. See ECF Nos. 486, 134;

19 WHEREAS, the operative complaint in this matter, ECF No. 170, was filed on December  
 20 18, 2018 by the State of California, the State of Connecticut, the State of Delaware, the District of  
 21 Columbia, the State of Hawaii, the State of Illinois, the State of Maryland, the State of Minnesota  
 22 by and through its Department of Human Services, the State of New York, the State of North  
 23 Carolina, the State of Rhode Island, the State of Vermont, the Commonwealth of Virginia, and the  
 24 State of Washington (collectively, "Plaintiffs");

25 WHEREAS, Plaintiffs filed a motion for summary judgment on April 30, 2019, ECF No.  
 26 311;

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27 <sup>1</sup> This Court permitted the State of Oregon to intervene in the lawsuit on February 1, 2019.  
 28 See ECF No. 274.

1           WHEREAS, Defendants requested and this Court granted a stay in this case, see ECF Nos.  
2       462, 467, while the defendant agencies evaluated the issues presented by this litigation, as well as  
3       their regulatory and policy options;

4           WHEREAS, the Commonwealth of Virginia wishes to voluntarily dismiss its claims and  
5       remove itself from this case;

6           THEREFORE, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the parties, by  
7       and through their undersigned counsel, hereby jointly stipulate and agree that the claims brought  
8       by the Commonwealth of Virginia in this lawsuit shall be, and are hereby, dismissed with prejudice,  
9       subject to the following conditions:

10           1. This stipulation does not affect the claims asserted by any other Plaintiff or Plaintiff-  
11           Intervenor besides the Commonwealth of Virginia.  
12           2. The parties agree that each side will bear its own fees and costs as they relate to the  
13           Commonwealth of Virginia's claims.

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1 Dated: April 13, 2023

Respectfully submitted,

2 ROB BONTA  
3 Attorney General of California  
4 KATHLEEN BOERGERS  
Supervising Deputy Attorney General  
5 KETAKEE KANE  
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6 /s/ Karli Eisenberg  
7 KARLI EISENBERG  
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1  
2 Dated: April 13, 2023

Respectfully submitted,

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10 Dated: April 13, 2023

Respectfully submitted,

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13 /s/ J. Nicole DeFever  
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1  
2 Dated: April 13, 2023

Respectfully submitted,

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8 /s/ Michael J. Gerardi  
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Dated: April 13, 2023

Respectfully submitted,

/s/ Mark Rienzi  
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LORI H. WINDHAM – *pro hac vice*  
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*Counsel for Defendant-Intervenor The Little Sisters  
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Dated: April 13, 2023

Respectfully submitted,

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*Counsel for Defendant-Intervenor March for Life  
Education and Defense Fund*

## **ATTESTATION OF SIGNATURES**

I, Karli Eisenberg, hereby attest, pursuant to Local Civil Rule 5-1(h)(3) of the Northern District of California that concurrence in the filing of this document has been obtained from each signatory hereto.

/s/ Karli Eisenberg

Karli Eisenberg  
Supervising Deputy Attorney General  
*Attorney for Plaintiff*  
*State of California*

## CERTIFICATE OF SERVICE

Case Name: **State of California v. Health  
and Human Services, et al.** No. **4:17-cv-05783-HSG**

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I hereby certify that on April 13, 2023, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

### **STIPULATION OF VOLUNTARY DISMISSAL OF PLAINTIFF COMMONWEALTH OF VIRGINIA'S CLAIMS WITH PREJUDICE**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on April 14, 2023, at Sacramento, California.

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T. Oakes  
Declarant

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*/s/ T. Oakes*  
Signature

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